

RECEIVED  
DOCKET FILE COPY ORIGINAL  
SEP 14 1998

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Telecommunications Relay Services ) CC Docket No. 98-67  
and Speech-to-Speech Services for )  
Individuals with Hearing and )  
Speech Disabilities )

AT&T REPLY COMMENTS

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, AT&T Corp. ("AT&T") submits this reply to the comments of other parties on the Commission's NPRM in this proceeding proposing amendments to the rules governing telecommunications relay service ("TRS").<sup>1</sup>

I. THE COMMISSION SHOULD RESCIND THE PROPOSED MANDATORY PROVISION OF SPEECH-TO-SPEECH RELAY SERVICE.

AT&T showed in its Comments (pp. 3-4) that the record developed through the Commission's 1997 NOI on relay services<sup>2</sup> failed to show that there is sufficient demand for speech-to-speech ("STS") relay service to

<sup>1</sup> See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, Notice of Proposed Rulemaking, FCC 98-90, released May 20, 1998 ("NPRM"). Appendix A lists parties other than AT&T that submitted comments in response to the NPRM.

<sup>2</sup> Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996, CC Docket No. 90-571, 12 FCC Rcd 1152 (1997) ("NOI").

No. of Copies rec'd  
ENRACODE

0211

justify the NPRM's tentative decision to require carriers to provide STS on a nationwide basis within two years of the adoption of that requirement.<sup>3</sup>

None of the several commenters that support mandatory provision of STS has rectified this serious evidentiary deficiency. To the contrary, all of the comments confirm AT&T's showing that the current demand for STS is all but nonexistent.<sup>4</sup> For example, the Idaho Relay Service estimates (p. 1) reports that there will be fewer than 6 users of STS in that state. Both Bell Atlantic (pp. 2-3) and Maryland (p. 2) report that STS calls account for only about one tenth of one percent of the relay calls processed by that state's center. Even parties that support mandatory provision of STS candidly

---

<sup>3</sup> The mere fact that the Commission found that STS is a "telecommunications relay service" under Section 225 of the Communications Act does not, in itself, support requiring carriers to offer that service. For example, the NPRM concluded (§§ 32-34 and 37-38) that video relay interpreting ("VRI") and multilingual relay services ("MRS") are definitionally telecommunications relay services under the statute, but declined to require carriers to provide either of those offerings.

<sup>4</sup> As AT&T's Comments (p. 4) pointed out, in Georgia (where AT&T operates the state's TRS program) STS service has been offered since April, 1998, but no customer-initiated calls were processed between June 1 and the submission of AT&T's Comments on July 20. AT&T's records also show that the Georgia relay program has not processed any customer-initiated STS calls between that date and the filing of AT&T's instant reply comments.

concede that there is little present demand for that offering.<sup>5</sup>

There is also no dispute in the record that mandatory provision of STS will be enormously costly. Not even the proponents of mandatory provision dispute this fact; for example, as ATA candidly acknowledges p. 2), "[t]he competencies of STS communication are complex and difficult to teach and test, making the assurance of quality STS services a challenge."<sup>6</sup> Similarly, SBC also points out that it is "highly problematic" whether carriers can hire to train a sufficient number of CAs qualified to provide STS. KRS notes (p. 4) that the "vast differences" in the degree of speech impairments may make it impossible for a state

---

<sup>5</sup> See MCI, p. 4 ("For the immediate future STS calls will account for an extremely small proportion of TRS volumes"); California, Appendix p. 2 (admitting that even if a regional center processes STS calls from several states, "the demand for STS currently is small enough so that optimal utilization of each operator is difficult to achieve"). Bell Atlantic (p. 3) highlights these utilization problems, noting that an STS center that processes only 3 to 5 calls per day, each averaging 12 minutes in duration, will generate a total of no more than one hour of daily worktime although the TRS center must be staffed round-the-clock.

<sup>6</sup> ATA also recognizes (p. 2) that staffing to provide STS will seriously burden TRS providers who are already facing a limited labor pool of qualified CAs. See also President's Committee, pp. 6-7 (noting "importance of in-depth and comprehensive training of communications assistants" for STS).

relay program "to provide acceptable STS services at any reasonable cost."<sup>7</sup>

In view of the undisputed evidence that there is at best negligible current demand for STS service, and that mandatory provision of that offering will subject state relay programs and carriers to substantial, and entirely disproportionate, expenses, the Commission should rescind its tentative conclusion to make this service a mandatory TRS offering. The Commission should instead follow its approach with VRI and MRS offerings, and permit carriers and state programs voluntarily to offer STS while recovering those costs from the TRS Fund. As greater experience is gained with STS through this approach, the Commission can then determine whether, and if so in what manner, to provide for more widespread availability of STS.

II. CERTAIN PROPOSED CHANGES TO TRS OPERATIONAL STANDARDS SHOULD BE RESCINDED ENTIRELY.

Answer Performance Requirements

The NPRM's tentative proposals (§§ 50-51) to impose a far more stringent answer performance standard on TRS providers, and to require compliance with that standard on a daily basis, would greatly increase

---

<sup>7</sup> KRS also correctly points out (p. 4) that prior to implementing any mandatory STS requirement the Commission must issue proposed rules embodying service standards and afford interested parties the

(footnote continued on following page)

providers' labor costs and interfere with their ability to deploy automated "front end" systems, as AT&T showed in its Comments (pp. 9-11). None of the commenters that actively support the changed answer performance standard even acknowledges these serious adverse impacts, which the record here in other respects resoundingly confirms.

Like AT&T, GTE (p. 10) points out that the proposed new standard "would likely require TRS providers to eliminate the use of automated systems and replace them with additional CAs trained to relay calls." GTE notes (*id.*) that this result would "substantially increase" costs for TRS providers, and that this outcome is also undesirable because such automated systems are "useful tools" in providing TRS service. Similarly, Sprint (pp. 11-12) opposes the proposed change "since it effectively eliminates use of automated agents," and states that daily compliance measurement requirement is unduly burdensome and fails to account for normal variations in traffic patterns. And even MCI, which does not oppose the more stringent answer performance requirement, acknowledges (p. 6) that "this proposed standard will increase the costs of providing relay services."

---

(Footnote continued from prior page)

opportunity for comment. Neither of those steps has occurred here.

In light of these undisputed impacts, the Commission should reconsider its tentative conclusion and retain the current answer performance standard.

In-Call Replacement of CAs

None of the commenters in the initial round of the NPRM has rebutted AT&T's showings, first in the NOI and again in its Comments (p. 12 n.14), that in-call replacement of CAs occurs in more than an insubstantial proportion of TRS calls. Nor do any of the parties that support the Commission's proposed change (or even more stringent restrictions on in-call replacements) make any attempt to address the significant adverse impact on providers' ability efficiently to manage their CA workforces that AT&T and other commenters have demonstrated.

For example, SBC (p. 10) points out that the effect of the Commission's proposed prohibition against CA replacements during the first 10 minutes of a TRS call "would be to require a CA to log off from the system 10 minutes before the CA's scheduled breaks and end of tour," thus creating 40 minutes of unproductive time per employee per shift.<sup>8</sup> GTE (p. 12) similarly states that the Commission's proposed rule will interfere with rest periods to alleviate CAs' fatigue that are required under

---

<sup>8</sup> Accord, KRS, p. 10.

local labor laws. Such breaks, as AT&T showed (p. 13 and n.15) are also mandated under TRS providers' collective bargaining agreements with their unionized personnel. The proposed rule thus would result in a substantial increase in the costs of providing TRS.

Because neither the Commission nor other parties supporting its tentative proposal have addressed these serious operational and legal considerations, and because in-call replacements of CAs are demonstrably infrequent, the Commission should withdraw its proposed restriction on in-call CA replacements.<sup>9</sup>

---

<sup>9</sup> Although the Commission in the NPRM declined to adopt changes in minimum CA standards, such as typing speed, that had been advocated by some parties during the NOI, a number of commenters in this proceeding repeat their call for mandating increased minimum typing speed. Such a requirement would only further limit the already inadequate labor pool of potential CAs, as some parties here show. See, e.g., Ameritech, p. 8; Bell Atlantic, p. 7. In AT&T's experience, such an increase in the current mandatory minimum typing speed is also unnecessary, because CAs typically achieve speeds in excess of the minimum standard after several months on the job.

8

CONCLUSION

For the reasons stated above and in AT&T's  
Comments, the Commission should adopt amendments to its  
TRS rules with the modifications described by AT&T.

Respectfully submitted,

AT&T CORP.

By

  
Mark C. Rosenbloom  
Peter H. Jacoby

Its Attorneys

295 North Maple Avenue  
Room 3250J1  
Basking Ridge, N.J. 07920  
(908) 221-4243

September 14, 1998

AT&T Corp.

Sept. 14, 1998

LIST OF COMMENTERS

American Speech-Language-Hearing Association ("ASHA")  
 Ameritech  
 Association of Tech Act Projects ("ATA")  
 Bell Atlantic Telephone Companies ("Bell Atlantic")  
 Sarah Blackstone  
 People of the State of California and the Public  
     Utilities Commission of the State of California  
     ("California")  
 Cellular Telecommunications Industry Association ("CTIA")  
 Sally F. Davis  
 GTE Service Corporation ("GTE")  
 Stephen A. Gregory  
 Idaho Telecommunications Relay Service  
     ("Idaho Relay Service")  
 Kansas Relay Service, Inc. ("KRS")  
 State of Maryland Department of Budget and Management  
     ("Maryland")  
 MCI Telecommunications Corporation ("MCI")  
 National Association of the Deaf and the Consumer  
     Action Network ("NAD")  
 Pennsylvania Public Utility Commission ("Pa. P.U.C.")  
 President's Committee on Employment of People with  
     Disabilities ("President's Committee")  
 Puerto Rico Telecommunications Regulatory Board ("Board")  
 Bob Segalman  
 Sonny Access Consulting  
 Southwestern Bell Telephone Company, Pacific Bell  
     and Nevada Bell ("SBC")  
 Sprint Corporation ("Sprint")  
 James H. Stoltz  
 Telecommunications for the Deaf, Inc. ("TDI")  
 Texas Advisory Commission on State Emergency  
     Communications ("TX-ACSEC")  
 Public Utility Commission of Texas ("Texas PUC")  
 Ultratec, Inc. ("Ultratec")  
 University Legal Services ("ULS")  
 USA Deaf Sports Federation

CERTIFICATE OF SERVICE

I, Ann Marie Abrahamson, do hereby certify that on this 14th of September, 1998, that I caused a copy of the foregoing "AT&T Reply Comments" to be served by U.S. First Class mail, postage prepaid, on the parties listed on the attached Service List.

  
Ann Marie Abrahamson

AT&amp;T Corp.

Sept. 14, 1998

**SERVICE LIST  
CC DOCKET NO. 98-67**

Charles C. Diggs  
American Speech-Language-  
Hearing Association  
10801 Rockville Pike  
Rockville, MD 20852

Alan N. Baker  
Ameritech  
2000 W. Ameritech Center Dr.  
Hoffman Estates, IL 60196

Association of Tech Act Projects  
Suite 100  
1 West Old State Capitol Plaza  
Springfield, IL 62701

Lawrence W. Katz  
Michael E. Glover  
Bell Atlantic  
1320 N. Court House Rd., 8<sup>th</sup> Floor  
Arlington, VA 22201

Sarah Blackstone  
1 Surf Way #237  
Monterey, CA 93940

Peter Arth, Jr.  
William N. Foley  
Helen M. Mickiewicz  
Public Utilities Commission  
State of California  
505 Van Ness Avenue  
San Francisco, CA 94102

Andrea D. Williams  
Michael F. Altschul  
Randall S. Coeman  
Cellular Telecommunications  
Industry Assn.  
1250 Connecticut Ave., NW, Suite 200  
Washington, DC 20036

Sally F. Davis  
700 East Ranch Rd.  
Sacramento, CA 95825

John F. Raposa  
GTE Service Corporation  
600 Hidden Ridge, HQE03J27  
P.O. Box 152092  
Irving, TX 75015-2092

Andre J. Lachance  
GTE Service Corporation  
1850 M Street, NW  
Washington, DC 20036

Stephen A. Gregory  
Member, Interstate Relay  
Advisory Council  
515 Lakeview Avenue  
Pitman, NJ 08071-1874

Bob Dunbar  
Idaho Telecommunications  
Relay Service  
P.O. Box 775  
Donnelly, ID 83615

Robert R. Hodges  
Kansas Relay Service, Inc.  
700 SW Jackson St., Suite 704  
Topeka, KS 66603-3758

Gilbert Becker  
Maryland Department of Budget  
and Management  
301 W. Preston St., Suite 1008A  
Baltimore, MD 21201

Lawrence Fenster  
MCI  
1801 Pennsylvania Ave., NW  
Washington, DC 20006

Karen Peltz Strauss  
National Association of the Deaf  
Consumer Action Network  
814 Thayer Avenue  
Silver Spring, MD 20910-4500

Pennsylvania Public Utility Commission  
G-28 North Office Building  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Tony Coelho  
President's Committee on Employment  
of People With Disabilities  
1331 F St., NW  
Washington, DC 20004

Veronica M. Ahern  
J. Breck Blalock  
Nixon, Hargrave, Devans & Doyle LLP  
One Thomas Circle, NW, Suite 700  
Washington, DC 20005  
Attorneys for Puerto Rico  
Telecommunications Regulatory Board

Bob Segalman  
3330 Tropicana Court  
Sacramento, CA 95826

Alfred Sonnenstrahl  
Sonny Access Consulting  
10910 Brewer House Rd.  
North Bethesda, MD 20852-3463

Robert M. Lynch  
Durward D. Dupre  
Hope E. Thurrott  
SBCI  
One Bell Plaza, Room 3023  
Dallas, TX 75202

Jay C. Keithley  
Michael B. Fingerhut  
Norina T. Moy  
Sprint Corporation  
1850 M St., NW, Suite 1110  
Washington, DC 20036

James H. Stoltz  
[no mailing address provided]

Claude L. Stout  
Telecommunications for the Deaf, Inc.  
8630 Fenton St., Suite 604  
Silver Spring, MD 20910

Richard A. Muscat  
Texas Advisory Commission on  
State Emergency Communications  
333 Guadalupe, Suite 2-212  
Austin, TX 78701-3942

Pat Wood, III  
Judy Walsh  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O.Box 13326  
Austin, TX 78711-3326

Pamela Y. Holmes  
Ultratec, Inc.  
450 Science Drive  
Madison, WI 53711

Sandra J. Bernstein  
University Legal Services  
Protection and Advocacy Agency  
for the District of Columbia  
300 I St., NE, Suite 200  
Washington, DC 20002

Bobbie Beth Scoggins  
USA Deaf Sports Federation  
3607 Washington Blvd., Suite 4  
Ogden, UT 84403-1737